

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

GEORGE A. HEDICK, JR., *individually and
on behalf of all others similarly situated,*

Plaintiff,

v.

THE KRAFT HEINZ COMPANY, *et al.,*

Defendants.

Case No. 19-1339 (RMD)

CLASS ACTION

IRON WORKERS DISTRICT COUNCIL
(PHILADELPHIA AND VICINITY)
RETIREMENT AND PENSION PLAN,
*individually and on behalf of all others
similarly situated,*

Plaintiff,

v.

THE KRAFT HEINZ COMPANY, *et al.,*

Defendants.

Case No. 19-1845 (RMD)

CLASS ACTION

TIMBER HILL LLC, *individually and on
behalf of all others similarly situated,*

Plaintiff,

v.

THE KRAFT HEINZ COMPANY, *et al.*

Defendants.

Case No. 19-2807 (RMD)

CLASS ACTION

**THE NEW YORK CITY FUNDS' MOTION FOR LEAVE TO FILE
UNDER SEAL CERTAIN PORTIONS OF THE REPLY BRIEF**

The New York City Funds ("NYC"), through their attorneys, respectfully request leave of

this Court to file under seal certain portions of the Reply Brief in Support of the New York City Funds’ Motion for Consolidation, Appointment as Lead Plaintiff, and Approval of Selection of Lead Counsel and attendant exhibits (“Reply Brief”). In support of this motion, NYC states:

1. No confidentiality or protective order has been entered in this case.
2. The Memorandum of Law in Further Support of the Motion of Sjunde AP-Fonden and Union Asset Management Holding AG for Consolidation of Related Actions, Appointment as Lead Plaintiff, and Approval of Their Selection of Lead Counsel, and in Opposition to Competing Motions (“Foreign Funds’ Opposition Brief”), *see* Dkt. 90, at 2-3, makes arguments which implicate NYC’s financial data beyond that mandated to be disclosed by the Private Securities Litigation Reform Act, 15 U.S.C. § 78u-4;
3. In order to respond to certain arguments made in the Foreign Funds’ Opposition Brief, NYC is providing information to the Court in its Reply Brief that it submits constitutes confidential trade secrets, proprietary business information, and non-public client information concerning NYC’s finances and trading.
4. While there is not yet a confidentiality or protective order entered in this case, information regarding an entity’s finances and trading is confidential and proprietary business information. *See* 18 U.S.C. § 1839(3) (defining “trade secret” to mean “all forms and types of *financial, business, . . . [or] economic . . . information, . . . if . . . (A) the owner thereof has taken reasonable measures to keep such information secret; and (B) the information derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable through proper means by, another person who can obtain economic value from the disclosure or use of the information*”) (emphasis added); 765 Ill. Comp. Stat. Ann. 1065/2(d) (defining “trade secret” to mean information “including but not limited to” “technical or non-

technical data,” a “method,” a “process,” or “*financial data*” that “(1) is sufficiently secret to derive economic value, actual or potential, from not being generally known to other persons who can obtain economic value from its disclosure or use; and (2) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy or confidentiality”) (emphasis added). Information of this type “can be highly sensitive,” which courts consider “when deciding whether and when financial information should ultimately be disclosed” in a court filing. *Sutherland v. TRW, Inc.*, 1995 WL 275578, at *2 (N.D. Ill. May 8, 1995) (ordering that financial materials be filed under seal).

5. Contemporaneous with the filing of this motion, NYC is filing electronically a redacted version of its Reply Brief and sending to the Court and the other parties an unredacted version of the filing proposed to be filed under seal. *See* Local Rules 5.8 and 26.2.

6. The redacted portions of the Reply Brief discuss confidential aspects of the method, size, and business justifications of NYC’s trading in Kraft Heinz securities, and therefore constitute confidential, sensitive, and proprietary financial, business, and economic information of NYC that is not otherwise now public.

7. For the reasons set forth above, NYC respectfully requests leave to file under seal certain portions of its Reply Brief.

Date: May 22, 2019

Respectfully submitted,

**COHEN MILSTEIN SELLERS
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